



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN 03 2007

REPLY TO THE ATTENTION OF.

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Wanda Schumacher, President
Del's Metal Co.
1605 1st Street
P.O. Box 3586
Rock Island, IL 61204-3586

Dear Ms. Schumacher:

Enclosed is a file stamped Consent Agreement and Final Order (CAFO) which resolves Del's Metal Co., docket number, CAA-05-2006-0032. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on

JAN 03 2007.

Pursuant to paragraph [10] of the CAFO, Del's Metal Co. must pay the civil penalty within 30 days of FEB 02 2007. Your check must display the case docket number, 5-CAA-2006-0032, and the billing document number, 2750703A003.

Please direct any questions regarding this case to Michael R. Berman, Associate Regional Counsel, 312-886-6837 or Tanya Boomer, Environmental Scientist, 312-352-4145.

Sincerely yours,

Bonnie Bush, Acting Chief
Air Enforcement and Compliance Assurance Section MI/WI

Enclosure

cc: William J. Anaya
Arnstein & Lehr LLP

David Bloomberg
Illinois Environmental Protection Agency

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Docket No. CAA-05-2006-0032

Proceeding to Assess a Civil
Penalty under Section 113(d)
of the Clean Air Act,
42 U.S.C. § 7413(d)

Respondent .

3. Del's Metal filed an answer, denied liability and requested a hearing under Section 113(d)(2) of the Act, 42 U.S.C. § 13(d)(2).

Stipulations

4. Del's Metal admits the jurisdictional allegations in the complaint and denies the factual allegations associated with liability in the complaint except for those admissions made in its answer.

5. Del's Metal waives any right to contest the allegations in the complaint and its right to appeal this consent agreement and final order (CAFO).

6. Del's Metal certifies that it no longer operates the furnaces described in the complaint, and is not now subject to §112 of the CAA, 42 U.S.C. 7412 and the Secondary Aluminum Production National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations found at 40 C.F.R. Part 63, Subpart RRR (§§63.1500 et seq.) at its facility in Rock Island, Illinois.

7. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

8. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

Civil Penalty

9. In consideration of the size of Del's Metal's business, the economic impact of the penalty on Del's Metal's business, Del's Metal's full compliance history and good faith

efforts to comply, including the permanent discontinuance of its emissions sources, the duration of the violations, the economic benefit of noncompliance, the seriousness of the violations, and other factors as justice may require, U.S. EPA agrees to mitigate the proposed penalty of \$100,548 to \$40,000.

10. Del's Metal must pay the \$40,000 civil penalty by cashier's or certified check payable to the "Treasurer, United States of America," within 30 days after the effective date of this CAFO.

11. Del's Metal must send the check to:

U.S. EPA - Region 5
P.O. Box 371531
Pittsburgh, Pennsylvania 15251-7531

12. A transmittal letter, stating the Respondent's name, complete address, the case docket number, and the billing document number must accompany the payment. Respondent must write the case docket number and the billing document number on the face of the check. Respondent must send copies of the check and transmittal letter to:

Attn: Regional Hearing Clerk, (E-13J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

Attn: Compliance Tracker, (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

Michael R. Berman, (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

13. This civil penalty is not deductible for federal income tax purposes.

14. If Del's Metal does not pay timely the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action under Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

15. Interest will accrue on any overdue amount from the date payment was due at a rate established under 31 U.S.C. § 3717. Del's Metal will pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. Del's Metal will pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue according to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

General Provisions

16. This CAFO resolves all of Respondent's liability for federal civil penalties for the violations alleged in the complaint.

17. The effect of the settlement described in the previous paragraph is conditional upon the accuracy of the Respondent's representations to U.S. EPA, as memorialized in Respondent's letter, dated August 5, 2005, that it discontinued operating its two furnaces.

18. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law, other than the alleged violations described in the complaint.

19. This CAFO does not affect Del's Metal's responsibility to comply with the Act and other applicable federal, state and local laws, and regulations. Except for the violations alleged in the complaint and as provided in paragraph 16 above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by Complainant.

20. This CAFO constitutes an "enforcement response" as that term is used in "U.S. EPA's Clean Air Act Stationary Source Civil Penalty Policy" to determine Del's Metal's "full

compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).

21. The terms of this CAFO bind Complainant and Del's Metal, and their successors, and assigns.

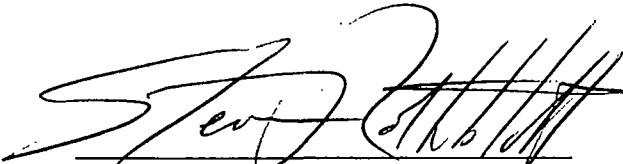
22. Each person signing this consent agreement certifies that he or she has the authority to sign this consent agreement for the party whom he or she represents and to bind that party to its terms.

23. Each party agrees to bear its own costs and attorneys' fees in this action.

24. This CAFO constitutes the entire agreement between the parties.


U.S. Environmental Protection Agency, Complainant

12/29/2006
Date


Stephen Rothblatt, Director
Air and Radiation Division
U.S. Environmental Protection
Agency, Region 5 (A-18J)

Del's Metal Co., Respondent

12-26-06
Date


Wanda Schumacher, President
Del's Metal Co.

CONSENT AGREEMENT AND FINAL ORDER

Del's Metal Co.

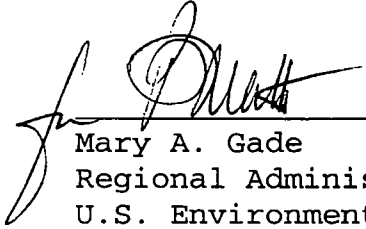
Docket No. CAA-05-2006-0032

Final Order

It is ordered as agreed to by the parties and as stated in the consent agreement, effective immediately upon filing of this CAFO with the Regional Hearing Clerk. This final order disposes of this proceeding pursuant to 40 C.F.R. § 22.18.

Date

1-03-07



Mary A. Gade
Regional Administrator
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3511

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CERTIFICATE OF SERVICE

I, Shanee Rucker, certify that I hand delivered the original of the Consent Agreement and Final Order, docket number CAA-05-2006-0032 to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that I mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to Del's Metal Co. and Del's Metal Co.'s Counsel by placing them in the custody of the United States Postal Service addressed as follows:

Wanda Schumacher, President
Del's Metal Co.
1605 1st Street
P.O. Box 3586
Rock Island, IL 61204-3586

William J. Anaya,
Arnstein & Lehr LLP
120 S. Riverside Plaza - Suite 1200
Chicago, IL 60606-3910

David Bloomberg, Compliance Unit Manager
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

on the 4th day of January, 2008.

Petty Williams for Shanee Rucker
Shanee Rucker
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 70010320 0005 8920 2153 - Wanda Schumacher
7001 0320 0005 8920 2146 - William J. Anaya

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